

Serial No. 10/656,925
60,130-1713
03MRA0069CVS

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1, 6, 15 and 22 have been amended and claim 11 has been canceled. New claims 25-28 are presented. Accordingly, claims 1-5 and 7-28 are pending.

Claims 1-23 were rejected under 35 U.S.C. §102(b) as being anticipated by *Cowburn* (4779894.) Applicant respectfully traverses this rejection. *Cowburn* discloses:

a spring 24 which *extends transversely of the vehicle* and is in the form of a one-piece element made of composite, fibre-reinforced plastics, material. The spring is connected *at its free ends to the steerable wheel carrier members*, and it is supported, at two spaced positions 25, 26 between its ends, for limited pivotal movement about respective axes which extend longitudinally of the vehicle, i.e. transversely of the spring. *The end portions, as 23, of the spring 24 are of increasing thickness and decreasing width towards their free ends, the cross-sectional area of such spring portions being constant or substantially so.* Within the enclosure 29 between the support positions 25, 26, the spring is of constant width and of a thickness which decreases from the support positions to the centre of the spring, so that the stiffness of the spring in its principal direction of bending in use decreases towards the centre of the spring.

[See col. 3, lines 20-46; emphasis added]

Cowburn fails to disclose or suggest a forward leaf spring segment defining an arcuate segment as recited in the amended claims. With regard to claim 22, *Cowburn* fails to disclose mounting an axle beam to the axle beam attachment system such that the axle beam is transverse to the composite leaf spring.

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Cowburn* (4779894.) in view of *Constantinescu* (6409009). Initially, *Constantinescu* describes box spring and the like for bedding and furniture. In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Under no just

Serial No. 10/656,925
60,130-1713
03MRA0069CVS

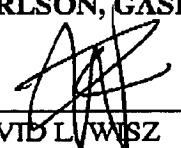
interpretation would *Constantinescu* be in Applicant's field of endeavor or be reasonably pertinent to the particular problem that the applicant has solved. As just one example, the very different weights involved would never lead a suspension engineer to investigate box spring mattress designs. *Constantinescu* is not analogous art to *Cowburn* or Applicant's invention. The proposed combination is improper.

New claims 25-28 recite further features of the present invention which are neither disclosed nor suggested by the cited references and are thus properly allowable.

Please charge \$150.00 to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for 3 claims in excess of 20. If any additional fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,
CARLSON, GASKEY & OLDS, P.C.



DAVID L. WISZ
Registration No. 46,350
Attorneys for Applicant
400 West Maple, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: December 20, 2004

C:\Documents and Settings\dwisz\Desktop\NEWAmndxxx-05-06-2003-.doc